




City of Loma Linda Official Report

Floyd Petersen, Mayor
Karen Hansberger, Mayor pro tempore
Robert Christman, Councilmember
Stan Brauer, Councilmember
Robert Ziprick, Councilmember

COUNCIL AGENDA: August 26, 2003

TO: City Council

VIA: Dennis R. Halloway, City Manager

FROM: Rolland M. Crawford 
Director of Public Safety/Fire Chief

SUBJECT: Public Nuisance Abatement - 10870 Poplar St
Hearing to determine costs

RECOMMENDATION

The City Council receive the report of costs for abating the public nuisances at 10870 Poplar St., approve the changes, adopt the resolution of report and statement of expenses, and impose a lien upon the property.

BACKGROUND

Section 9.12.030 of the Loma Linda Municipal Code lists those acts or conditions that constitute a public nuisance (see Exhibit "A"). On June 8, 2001 the Superior Court of San Bernardino County determined that the property at 10870 Poplar St. contained abandoned, discarded, unused or broken equipment or objects, furnishings, appliances, rubbish/trash/debris, boxes and similar objects to be a public nuisance, and ordered the property owner to bring property into full compliance by August 31, 2001.

On September 5, 2001 a re-inspection of the property located at 10870 Poplar St. determine that the property owner had failed to comply with the Court Order. Violation notices were sent to the property owner on February 10, 2003 and February 24, 2003. On March 26, 2003 the property was re-inspected and the public nuisances still existed. An Administration Citation was issued. On July 9, 2003, an Abatement Warrant was issued from the Superior Court of San Bernardino County.

ANALYSIS

On July 14, 2003 the abatement of all public nuisances was done by outside contractors as directed by the Superior Court, under supervision by Loma Linda Code Enforcement. A work crew of 3 men completed the abatement in 1 day. Several truckloads were removed from the property. Upon completion of the abatement work an invoice was received from the contractor (see Exhibit "C"). On July 15, 2003 the Return on the Abatement Warrant was filed with the Superior Court of San Bernardino County.

An invoice specifying the abatement cost for the work performed by the contractor, plus the City's administrative fee, was mailed to the owner of 10870 Poplar St. giving the owner the opportunity to make payment of the bill prior to August 26, 2003. (See Exhibit "D"). The owner has been given the opportunity to appear at the hearing.

FINANCIAL IMPACT

Recovery of \$1,915.00 in charges, plus \$574.50 Administrative fee; Total of \$2,489.50. Subsequent to Council action, the report and statement of expenses (see attached), will be forwarded to the Property Tax Division of the San Bernardino County Auditor for a lien on the property, if not paid by the property owner as specified in the resolution.

ATTACHMENTS

- | | |
|------------|--|
| Exhibit A: | Loma Linda Municipal Code, Section 9.12.030 |
| Exhibit B: | Copy of Court Citation |
| Exhibit C: | Copy of Invoice, from contractor |
| Exhibit D: | Copy of Invoice/Notice of Hearing to Determine Costs |
| Exhibit E: | Copy of Warrant |
| Exhibit F: | Council Bill #R-2003-40 |

Exhibit A

Title 9 PUBLIC PEACE, MORALS AND WELFARE

Chapter 9.12 NUISANCE ABATEMENT*

9.12.030 Acts constituting nuisance.

A. Anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any public park, street, alleyway, highway, or other public facility is a nuisance.

B. The following are specifically declared to be public nuisances and it is not intended by this enumeration to exclude the designation of other conditions as nuisances:

1. Existence of weeds and wild grasses, such as those commonly known as foxtails, tumbleweeds, devil thorns, puncture vines, horehound gourd vines, and other wild grasses, and weeds, dead, overgrown or abandoned trees, and other vegetation and any combustible material in or upon any right-of-way, parkway, vacant lot or other property within the city;
2. Conditions that might result in injury to children and others such as, but not limited to:
 - a. Abandoned, discarded, unused or broken equipment or objects, or
 - b. Unfenced or contaminated pools, ponds, excavations, wells and shafts, or
 - c. Neglected machinery, broken or discarded furniture, unused household equipment, accessible and unused refrigerators, freezers, cans, packing boxes, and similar objects;
3. Existence, storage, or accumulation of broken, discarded or inoperable household furnishings, appliances, tools or machinery, play equipment or other similar items;
4. Existence, storage, or accumulation of rubbish, debris, trash, waste matter of any type, or any other object or material offensive to any of the senses;
5. Refuse containers, maintained or stored in violation of Chapter 8.12 or emitting offensive odors to adjacent properties;
6. Any vacant, unoccupied or abandoned building or structure which is not reasonably secured against entry by children and any of the members of the public or which constitutes a fire hazard or is otherwise dangerous to human life by reason of inadequate maintenance or dilapidation;
7. Broken windows, screens or doors constituting a hazardous or unhealthful condition, or inviting trespassers and malicious mischief;
8. A building, structure or other object, that is marked or defaced with spray paint, marker, dye, or like substance in a manner commonly described as graffiti;
9. Stagnant and unhealthful water;
10. Petroleum products or their derivatives if spilled, poured or dumped upon the ground;
11. Garbage, rubbish, refuse, or trash if not contained within an appropriate receptacle;
12. Walls, fences, lean-tos, sheds, barricades, or similar accessory structures, which are unsightly, structurally unsound, attractive nuisances, unsafe or in a state of disrepair;
13. Any visually obstructing material occurring in the designated corner cutoff areas as described in Sections 17.14.020 through 17.14.110 of this code;
14. Land, topography, geology or configuration which, as a result of structures thereon, grading operations, excavations or fill, causes erosion, subsidence, or water surface drainage problems of such magnitude as to be injurious to the public health, safety, and welfare, or to adjacent properties;
15. On-site or off-site signs which advertise uses no longer conducted, or products no longer sold, where such discontinuance has existed for more than forty-five days, excluding signs advertising said building for sale, lease or rent, or temporary signs which advertise or relate to events which have already taken place;

16. Property maintained in such condition as to become so defective, unsightly, or in such condition of deterioration or disrepair that the same causes depreciation of the property values of surrounding properties or is materially detrimental to proximate properties and improvements;

17. Any structures, buildings or other improvements, either permanent or temporary, or any property which is maintained or allowed to remain in violation of any provision of the this code, or any county, state or federal law, statute, code, or regulation, or that of any regulatory agency having jurisdiction and authority to do so, or any other regulation which the city is empowered to enforce;

18. Any other condition declared to be a nuisance by state law or other ordinances of the city.
(Ord. 462 § 1 (part), 1992)

SHORT-FORM DOCKET

Case No. 241055 Date 6/7/01
 Defendant Graham, Jr. Raul
 Judge Railey Clerk Shrecker
 Interpreter J. Shea duly sworn
 with/by attorney

Defendant 15 present ☒ in open court ☐ in custody ☐ at jail ☐ at counter

Defendant arraigned and advised of certain rights and the court makes specific findings, all as set forth on the back of this docket. The defendant waives time to enter his plea. ☐ Advisal of Rights filed.

Defendant arraigned on Bench Warrant. /Bench Warrant discharged.

On Court's/DDA's motion, _____ ordered dismissed.

☐ Interest of justice ☐ Proof shown ☐ Upon payment of fine/proc. fee

Arraignment/Plea continued to _____

☐ Request for setting and waiver of arraignment filed

Plea: ☒ Guilty ☐ Nolo Contendere ☐ Not Guilty

Court finds plea based on fact. Time waived for sentencing. Ct. _____ deemed an infraction.

Sentence continued to _____

Traffic School: At the request of the defendant, criminal proceeding stayed upon condition defendant attend traffic school and pay bail/administrative fee. Upon completion, case will be dismissed; otherwise defendant is ordered to appear for plea on _____ at _____ dept.

Fee of \$ _____ to be paid to the court by _____ Defendant waives statutory right for trial.

Conditional sentence granted _____ years under the following terms and conditions:

Violate no law. pay a fine of \$281.00
 Sentence: however, fine is stayed and/or _____ days in the County Jail.

Credit for time served _____ days. _____ suspended for _____ on the following conditions:

Bring property into full compliance by 8-31-01.
pay \$1000 admin fees to City

Pretrial/Court Trial set for _____ at _____ m. Dept. _____

Jury trial set for _____ at _____ m. Dept. _____

Court appoints public defender. by 12-31-01

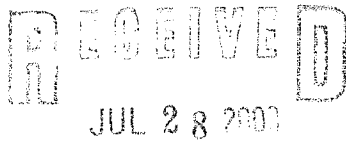
☐ Stay to pay \$ _____ by _____ on the _____ day of each month beginning _____ until paid in full. ☐ To the court ☐ To Probation Dept.

☐ Plus \$35.00 in collection fee (see reverse).

☐ Commitment issued ☐ Release issued ☐ Bench warrant recalled

☒ Copy to defendant.

Contractor #

MILES PRESERVATION

P.O. Box 1162
 Nuevo, CA 92567
 909-928-5306
 Tax ID: 560-83-8643

Invoice #

13293

Invoice Date

July 22, 2003

Invoice Rev. 1

BILL TO: City of Loma Linda
 Dept. of Public Safety

City of Loma Linda
 25541 Barton Rd
 Loma Linda, CA 92354-2883
 Attention:

Property:

Loan #
10870

W/O #
0000001410

10870 Polar St
 Loma Linda, CA 92354

Bank	Date Ordered	Date Completed	Loan Type	Key Code	Lawn Size
UNKNOWN	7/15/2003	7/15/2003	FHA		

If there are questions regarding this invoice, please contact: Shari Lauda.

Item Code	Description	Sp. Price Auth. #	Qty	Price Ea	Extended	Amount
	Removed Exterior Debris @ \$25 Per Cy		75	25.00	1,875.00	1,875.00
	Removed Health Hazards Per Gal - Paint		4	10.00	40.00	40.00
	Photos- No Charge		50			

Comments:

Terms:

Gross Invoice Amount \$1,915.00

Tax

Net Invoice Amount \$1,915.00

Payments

Balance Due \$1,915.00

JULY 29, 2003

Ms. Lynn Gross
10870 Poplar St.
Loma Linda, Ca 92354

Location: 10870 Poplar St.
Assessor Parcel #: 0283 121 48 0000

INVOICE
NOTICE OF HEARING TO DETERMINE COSTS

Under the provisions of the Loma Linda Municipal Code 9.12.030 and by order of County of San Bernardino Superior Court of California, public nuisances which existed on the above real property were abated by the City on July 15, 2003.

The following amount is now due:

Abatement Cost:	\$ 1,915.00
Administrative Charges:	\$ 574.50
Total Due:	\$ 2,489.50

Make check payable to:
City of Loma Linda
Public Nuisance Abatement
25541 Barton Rd
Loma Linda Ca 92354-
3160

Payment in full must be received prior to **August 26, 2003** after which time a Public Hearing will be conducted to hear a Report of Cost. The Public Hearing is scheduled for **August 26, 2003** 7:00 p.m. at the City of Loma Linda Council Chambers, 25541 Barton Road, at which time Total Charges will be assessed as liens against the above real property.

Any appeals for the abatement work performed or the amount billed above should be addressed to the City Council at the time of the Public Hearing.

ROLLAND M CRAWFORD
DIRECTOR OF PUBLIC SAFETY/FIRE CHIEF

BY:

JOHN JERRY
CODE ENFORCEMENT OFFICER

(SPACE BELOW FOR FILING STAMP ONLY)

FILED
SUPERIOR COURT
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

JUL 15 2003

Richard E. Holdaway, State Bar #100885
ROBBINS & HOLDAWAY;
A Professional Corporation
201 W. "F" St.
Ontario, CA 91762
TEL (909) 391-9000 • FAX (909) 391-9117

ATTORNEYS FOR CITY OF LOMA LINDA

IN THE SUPERIOR COURT DISTRICT, CENTRAL DIVISION
COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA

INSPECTION/ABATEMENT/ADMINISTRATIVE WARRANT

Unites States Constitution, Amendments 5 and 14;

Sec. 1822.50-1822.58 Code of Civil Procedure

(Conner v. City of Santa Ana)

IN THE MATTER OF THE INSPECTION/
ABATEMENT AT:

10870 Poplar St, Loma Linda

CITY OF LOMA LINDA,

Applicant,

vs.

Lynn Gross.
10870 Poplar St.

) INSPECTION/ABATEMENT WARRANT;
) AUTHORIZATION TO INSPECT/ABATE

THE PEOPLE OF THE STATE OF CALIFORNIA to any Officer of the Department of Public Safety of
the City Of Loma Linda:

Upon good cause shown to the Court;

YOU ARE HEREBY COMMANDED to enter the grounds at 10870 Poplar St, Loma
Linda, California, APN# 0283 121 48 0000 to conduct an inspection and abatement of grounds, front yard
and driveway areas, as authorized by Chapters 9.12.030 of the Loma Linda Municipal Code.

YOU ARE HEREBY COMMANDED to enter the grounds at 10870 Poplar St., Loma
Linda, California, to inspect, abate, and to take photographs and or video films of any and all of the above
mentioned grounds for evidence of violations of Loma Linda's Health, Fire, Safety, Nuisance and or
Zoning Ordinances.

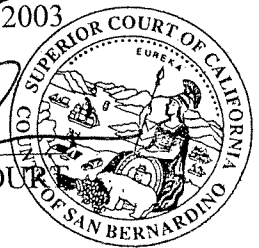
1 This inspection and abatement shall be conducted pursuant to Amendments 5 and 14 of
2 the United States Constitution and Section 1822.56 of the Code of Civil Procedure, in a reasonable
3 manner for the purpose of insuring compliance with all applicable laws.

4 This inspection and abatement shall be conducted subject to the following conditions:

- 5 1. The inspection and abatement shall be conducted within 10 days of the date hereof.
- 6 2. This warrant may not be executed after 6:00 p.m., or before 8:00 a.m., of any day.
- 7 3. Notice by personal service, posting on the premises or by First Class Mail of issuance
8 of this warrant must be given immediately before execution.(24 hour Notice)
- 9 4. Forcible entry onto premises grounds is authorized, if necessary, to effect entry.
- 10 5. This inspection and abatement may be made in the absence of the occupant
- 11 6. Any animals found on the premises may be restrained by the Animal Control
12 Department until the inspection and abatement is completed.
- 13 7. Any abandoned, discarded, unused or broken furniture, appliances, equipment or
14 objects, neglected machinery, boxes, or any accumulated rubbish, refuse, waste, scrap
15 metals, dead vegetation or any object creating a public nuisance and or potential fire
16 and safety hazard may be abated from the above property.

17
18
19 GIVEN UNDER MY HAND THIS 9th day of July, 2003

20
21
22 JUDGE OF THE SUPERIOR COURT



RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOMA LINDA, ADOPTING A REPORT AND STATEMENT OF EXPENSES FOR PUBLIC NUISANCE ABATEMENT AND IMPOSING A LIEN UPON PROPERTY FOR PAYMENT THEREFOR (10870 POPLAR STREET)

WHEREAS, public nuisance abatement in the City of Loma Linda has been carried out in accordance with Municipal Code requirements; and

WHEREAS, the City Council has held a hearing on the statement of expenses for abatement of the nuisances and has heard and considered the staff report and all objections or protests;

HOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Loma Linda as follows:

That the statement of expenses attached hereto as Exhibit "A" and incorporated herein by reference, is hereby confirmed and adopted as amended; and

That the statement of expenses (Exhibit "A") is fair, reasonable, and appropriate;

That the cost of the abatement work done or caused to be done by the City as shown on the statement of expenses is hereby ordered to be paid by September 9, 2003; and

That if said costs have not been paid by September 8, 2003, they shall constitute a lien upon the real property against which the nuisance was abated and shall be collected either by a personal civil suit against the person creating, causing or permitting the nuisance, or by a special assessment against the real property; and

That the City Clerk shall file a certified copy of this Resolution and report and statement of expenses with the San Bernardino County Auditor, Assessor and Tax Collector, and shall direct the

Resolution No.

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Auditor to enter the amounts of the charges contained in the report and statement of expenses against the real property described in the report and statement of expenses; and

That the amount of the charges shall constitute a lien against the real property against which the charges have been imposed; and

That the Tax Collector shall include the amount of the charges on the bills for taxes levied against said real property and the same shall be collected in the same manner together with the general taxes for the City of Loma Linda, and shall be subject to the same penalties and interest.

PASSED, APPROVED AND ADOPTED this 26th day of August 2003 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Floyd Petersen, Mayor

ATTEST:

Pamela Byrnes-O'Camb, City Clerk